

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Zachary Barton and Ethan Forness
*Individually and on behalf of all others
similarly situated*

Plaintiffs,

v.

Lancaster Wings, Inc., Lancaster Wings
West LLC, Lancaster Wings West II LLC,
Lancaster Wings West III LLC, and Larry
Tipton

Defendants.

Case No. 2:2017-cv-00476-ALM-EPD

JUDGE ALGENON L. MARBLEY

MAGISTRATE JUDGE ELIZABETH A.
PRESTON DEAVERS

**PLAINTIFFS' MOTION FOR APPROVAL OF SETTLEMENT, APPOINTMENT
OF SETTLEMENT ADMINISTRATOR, AND APPROVAL OF SERVICE
AWARDS, AND ATTORNEYS' FEES AND COSTS**

For the reasons stated in their accompanying Memorandum of Law in support of this Motion, Plaintiffs request that the Court enter their Proposed Order, attached as Exhibit 4 to their Memorandum of Law, and:

- (1) approve the parties' \$1,550,000.00 settlement and all terms set forth in the Joint Stipulation of Settlement;
- (2) approve distribution of the proposed Settlement Notice;
- (3) approve service awards of \$5,000.00 each to Plaintiffs Zachary Barton and Ethan Forness and approve service awards of \$500.00 each to Opt-in Plaintiffs Christopher Cannon, Danielle Thorp, Kayla Whitcraft, Kristen Winchers, Mary Katherine Mullen, and Tyler Thorp;

- (4) approve Plaintiffs' request for one-third of the settlement fund as attorneys' fees and reimbursement of \$12,412.27 in costs and litigation expenses;
- (5) approve the Settlement Administrator's fees and costs in the amount of \$14,000.00 to Rust Consulting; and
- (6) dismiss the case without prejudice; the dismissal will convert to a dismissal with prejudice without further action of the Court 210 days after the entry of the Court's Order approving the settlement.

Respectfully submitted,

/s/Douglas M. Werman
One of Plaintiffs' Counsel

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